

# EXHIBIT LL

PLAINTIFFS EEOC CHARGE

MAY 12, 2010

**EX-11****CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

490-2010-01662

State or local Agency, if any

and EEOC

Name (indicate Mr., Ms., Mrs.)

**Mr. Rodney V. Johnson**

Home Phone (Incl. Area Code)

**(901) 251-0190**

Date of Birth

**-1966**

Street Address

**1176 Elder Road**

City, State and ZIP Code

**Memphis, TN 38109**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**KUEHNE-NAGEL**

No. Employees, Members

**15 - 100**

Phone No. (Include Area Code)

**(901) 449-8000**

Street Address

**4080 Executive Dr #200**

City, State and ZIP Code

**Southaven, MS 38672**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☒ RETALIATION ☒ AGE ☐ DISABILITY ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE Latest

**05-11-2010****05-12-2010**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired with the company on February 8, 2010, as a Forklift Driver. I was terminated on May 11, 2010.

The reason I was given for my termination was work performance. I disagree with this reason, I think it is because I made a complaint of disparate treatment. Specifically, in March 2010, I complained to the HR Manager Jeff Werner, (White/Male), about Jeff Shaw, Manager, (Light Skin-Black/Male) and the disparate treatment and discrimination based on my color (Dark Skin), race (Black), sex (Male), age (43) and disability. In April 2010, I was denied promotional training, however it was granted for Chris \_\_\_\_ (White/Male-33) and he also received a higher pay than me for same position. Some examples of disparate treatment: in February 2010, James Craig, Supervisor, (White/Male) called Terry Givens, Forklift Operator (Black/Male) a "nigger" and in April 2010, Louis (Light Skin-Black/Male) was accused of sexual harassment/inappropriate touching. In both cases they were treated better than me because they were not disciplined or discharged. Additionally, I have complained about the unfairness in the timeliness in my back pay because other employees males, females received their back pay before I did (Robbie Townsend (Black/Female), Robert Sletcher, Dark Skin-Black/Male).

I believe that I was discriminated against and discharged because of my race (Black), age (43) and in retaliation for complaining about protected activities in violation of Title VII of the Civil Rights Act of 1964, as amended and of the Age Discrimination in Employment Act of 1967(ADEA), as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

X *Rodney V. Johnson*

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

*Louise Freeman* 5/12/10

May 12, 2010

Date

Charging Party Signature

**This is an addendum to the charge attached:**

Kuehne and Nagel is a third party logistics company handling and account for Lexmark. This project is new and no current Standard Operating Procedures are in place in the inventory department at this time.

I have been employed with Kuehne and Nagel since February 8, 2010, see attached email. I have not missed any days, called in to work, left early without approved authorization when our work scheduled exceeded 10-12 hours and I was never late for work. I originally requested to be on 2<sup>nd</sup> shift and 1<sup>st</sup> as a secondary option.

Since February 15, 2010 I have expressed interest in advancing and promotions within the Inventory department and the company to Jeff Shaw and other managers who could assist me in reaching that goal. I have asked that my resume be revisited and let me assist with a basic SOP and other general function needed to run an effective department. See attached email.

I have continuously asked for training since my hire date that will aid me in achieving my goal to be promoted and it was declined. A Caucasian male named Chris ? began in Inventory about a month ago to date. Chris received a month of training on K & N warehouse management system (Ceil) which would ultimately place him before me if and when any advance positions became available. I complain to Human Resource Manager, Jeff Werner, about this issue and he said that he would have a talk with the Inventory Manager, Jeff Shaw, in regards to race and color discrimination. See attached email.

Within the last month a Robbi, female black, also began training on WMS before me. I asked again about my turn for this training and nothing was done, nor did I receive training. I complained of these individuals who were hired after me, younger than me are receiving preferential treatment in regards to discrimination based on sex and equal pay. I was making 12.00 an hour while Robbi and Chris were making 14.00 an hour. I repeatedly complained about my pay for Inventory Control every pay period because I was held to the same standards as others and yet denied promotional training. See attached email.

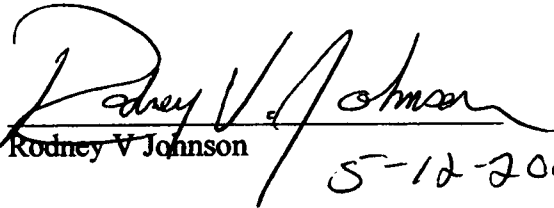
Our department consisted of Rodney Johnson, Antonio Cunningham, Robert Fletcher, Robbi Townsend and Chris ? all at the time were on 1<sup>st</sup> shift. All of these employees have, within their 90 days, attendance issues up to 3 to 5 times since their hire date. Antonio schedule was accommodated when he complained that he could not get to work on time in the mornings. Chris ? schedule was accommodated so he could spend more time with his wife and kids. Robert Fletcher schedule was accommodated when he came come in 3-4 hours early and stay as long as he chooses, as if he made his own shift. Our shift hours are from 8-430.

I ask for accommodation for medical reasons on April 24, 2010 and I was delayed by 2 hours and when I asked again to arrange for my medication to be brought to work, that's when Jeff Shaw told me to put the product I had on my forklift up, clock out, go home and end of

discussion as though he was firing me. He has made several comments to me by telling me I was fired in front of other coworkers prior to that day. My Cobra benefits notice came in the mail a week later.

Kuehne and Nagel, Jeff Shaw had (3) three 30 day increments to address any performance or work issues with me, to the extent that they exist and they failed to do so until after I complained of my Civil Rights under Title VII.

My requested accommodations were declined for medical reasons, after I complained of discrimination based on sex, race, color, disability, equal pay and retaliation. See emails

  
Rodney V Johnson  
5-12-2010

*I've requested to change department  
to other managers and to no avail.*

490-2010-01662

10158



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION INTAKE QUESTIONNAIRE

Please immediately complete this entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, within 180 days or in some places within 300 days of the alleged discrimination. When we receive this form, we will review it to determine EEOC coverage. **Answer all questions completely, and attach additional pages if needed to complete your responses. If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "N/A." (PLEASE PRINT)**

### 1. Personal Information

Last Name: Johnson First Name: Rodney MI: VI  
 Street or Mailing Address: 1176 Elder Rd Apt or Unit #: —  
 City: Memphis County: Shelby State: Tn Zip: 38109  
 Phone Numbers: Home: (901) 251-0190 Work: (—) —  
 Cell: (901) 289-8251 Email Address: Rodjohnson92@yahoo.com  
 Date of Birth: 8-26-66 Sex: ☒ Male ☐ Female Do You Have a Disability? ☒ Yes ☐ No

Please answer each of the next three questions. i. Are you Hispanic or Latino? ☐ Yes ☒ No

ii. What is your Race? Please choose all that apply. ☐ American Indian or Alaskan Native ☐ Asian ☐ White  
☒ Black or African American ☐ Native Hawaiian or Other Pacific Islander

iii. What is your National Origin (country of origin or ancestry)? U.S.

### Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: Chen Jones Relationship: Cousin  
 Address: 119 Jelt St. City: Brownsville State: Tn Zip Code: —  
 Home Phone: (901) 672-4172 Other Phone: (—) —

### 2. I believe that I was discriminated against by the following organization(s): (Check those that apply)

☒ Employer ☐ Union ☐ Employment Agency ☐ Other (Please Specify) —

**Organization Contact Information** (If the organization is an employer, provide the address where you actually worked. If you work from home, check here ☐ and provide the address of the office to which you reported.) **If more than one employer is involved, attach additional sheets.**

Organization Name: Kuehn - Nagel  
 Address: 4080 Executive Dr. #200 County: Desoto  
 City: Southaven State: MS Zip: 38672 Phone: (662) 449-8000  
 Type of Business: 3rd Party Logistics Job Location if different from Org. Address: —  
 Human Resources Director or Owner Name: Lorey Molder / Jeff Warner Phone: ( ) same as above  
 Number of Employees in the Organization at All Locations: Please Check ( ) One

☐ Fewer Than 15 ☐ 15 - 100 ☐ 101 - 200 ☐ 201 - 500 ☒ More than 500

### 3. Your Employment Data (Complete as many items as you are able.) Are you a federal employee? ☐ Yes ☒ No

Date Hired: 2-8-2010 Job Title At Hire: Forklift Operator  
 Pay Rate When Hired: 12.00 Last or Current Pay Rate: 14.00  
 Job Title at Time of Alleged Discrimination: Inventory cycle counter Date Quit/Discharged: 5-11-2010  
 Name and Title of Immediate Supervisor: Jeff Shaw  
 If Job Applicant, Date You Applied for Job — Job Title Applied For —

## 4. What is the reason (basis) for your claim of employment discrimination?

FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.

☒ Race ☒ Sex ☒ Age ☒ Disability ☐ National Origin ☐ Religion ☒ Retaliation ☐ Pregnancy ☒ Color (typically a difference in skin shade within the same race) ☐ Genetic Information; circle which type(s) of genetic information is involved:  
i. genetic testing ii. family medical history iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: Jeff Shaw is mixed and skin complexion is much lighter, and his kids are interracially mixed.  
If you checked genetic information, how did the employer obtain the genetic information? \_\_\_\_\_

Other reason (basis) for discrimination (Explain): I raised issues concerning Title VII equality.

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. [Redacted]  
(Example: 10/02/06 - Discharged by Mr. John Soto, Production Supervisor)

A. Date: 3-15-2010 Action: I asked for training that would allow me to promote to a different position and was denied. The position was filled by another light skinned male.  
Name and Title of Person(s) Responsible: Jeff Shaw

B. Date: 4-24-2010 Action: I was sent home after requesting to make a phone call to arrange for my medication to be brought to me for my disability.  
Name and Title of Person(s) Responsible: Jeff Shaw.

6. Why do you believe these actions were discriminatory? Please attach additional pages if needed. Emails attached  
I reported to H.R. that Jeff Shaw was prejudiced against his race, and that he denied me training on WM system and allowed a caucasian male and for one younger training on company WMS.

7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title?  
None, regarding Title VII, but I've had several discussions with several managers about Jeff Shaw and they all were racially driven.

8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.

Of the persons in the same or similar situation as you, who was treated better than you?

Full Name	Race, Sex, Age, National Origin, Religion or Disability	Job Title	Description of Treatment
A. <del>Robert</del> Robb	Female Black	Inventory	allowed training, left early, attendance issues
B. Chris	Caucasian Male	Inventory	allowed training
Antonia Curington	Male Black	Inventory	Schedule Accommodated attendance issues.
Robert	Male black	Inventory	Schedule Accommodated attendance issues.



Of the persons in the same or similar situation as you, who was treated worse than you?

Full Name	Race, Sex, Age, National Origin, Religion or Disability	Job Title	Description of Treatment
A. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
B. _____	_____	_____	_____

Of the persons in the same or similar situation as you, who was treated the same as you?

Full Name	Race, Sex, Age, National Origin, Religion or Disability	Job Title	Description of Treatment
A. <u>[Signature]</u>	_____	_____	_____
B. _____	_____	_____	_____

Answer questions 9-12 only if you are claiming discrimination based on disability. If not, skip to question 13. Please tell us if you have more than one disability. Please add additional pages if needed.

9. Please check all that apply:

- ☒ Yes, I have a disability  
☐ I do not have a disability now but I did have one  
☐ No disability but the organization treats me as if I am disabled

10. What is the disability that you believe is the reason for the adverse action taken against you? Does this disability prevent or limit you from doing anything? (e.g., lifting, sleeping, breathing, walking, caring for yourself, working, etc.).

Acute Anxiety depressive disorder, Degenerated disc, Hypertension II, & team  
one other to be determined by attorney assigned to change. Disc  
Requires surgery (Denied) Taking meds when needed

11. Do you use medications, medical equipment or anything else to lessen or eliminate the symptoms of your disability?

☒ Yes ☐ No

If "Yes," what medication, medical equipment or other assistance do you use?

Effexor, Amlodipine Besylate 5mg, Meclizine 25mg, others to be  
determined by attorney. Emails attached. Doxos & Ibuprofen 500

12. Did you ask your employer for any changes or assistance to do your job because of your disability?

☒ Yes ☐ NoIf "Yes," when did you ask? 4-24-10 How did you ask (verbally or in writing)? Both

Who did you ask? (Provide full name and job title of person)

Jeff Shaw / emailed Jeff Weenen  
 Describe the changes or assistance that you asked for: I was asked to clock out, leave  
the premises, end of discussion, and go home when asked to make  
phone call to arrange for meds to be brought to job.  
 How did your employer respond to your request? same as above.  
I asked to be allowed to go to Dr. appt. when scheduled and  
to accommodate work hours from 1<sup>st</sup> to 2<sup>nd</sup> shift as originally  
requested at hiring.

13. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and tell us what they will say. (Please attach additional pages if needed to complete your response)

Full Name	Job Title	Address & Phone Number	What do you believe this person will tell us?
A. Cynthia Hession	Analyst	H & N	That Jeff asked me to leave on 4-24-11 and that she trained Chris & Robbi.
B. Robbi	Inventory C/counter	H & N	She witness Chris being trained.

14. Have you filed a charge previously on this matter with the EEOC or another agency? ☐ Yes ☒ No

15. If you filed a complaint with another agency, provide the name of agency and the date of filing: \_\_\_\_\_

16. Have you sought help about this situation from a union, an attorney, or any other source? ☒ Yes ☐ No

Provide name of organization, name of person you spoke with and date of contact. Results, if any?

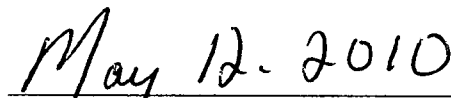
Phone consultation, questions taken, results pending as of 5-11-10

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so either within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located in a place where a state or local government agency enforces laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you would like more information before filing a charge or you have concerns about EEOC's notifying the employer, union, or employment agency about your charge, you may wish to check Box 1. If you want to file a charge, you should check Box 2.

**BOX 1** I want to talk to an EEOC employee before deciding whether to file a charge. I understand that by checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.

**BOX 2** ☒ I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for opposing discrimination.

  
Signature

  
Today's Date

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

- 1) FORM NUMBER/TITLE/DATE. EEOC Intake Questionnaire (9/20/08).
- 2) AUTHORITY. 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626, 42 U.S.C. 12117(a)
- 3) PRINCIPAL PURPOSE. The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge.
- 4) ROUTINE USES. EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters.
- 5) WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Providing this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge. It is not mandatory that this form be used to provide the requested information.